4. Group IV, claims 17-20, 28 and 29, drawn to proteins or polypeptide fragments thereof and immunogenic compositions containing said proteins or fragments.

5. Group V, claims 21, 30 and 31, drawn to an antibody directed against an erythrovirus variant protein or polypeptide fragment thereof.

6. Group VI, claims 32 and 33, drawn to *in vitro* screening methodologies employing erythroviral peptides.

7. Group VII, claims 34 and 35, drawn to *in vitro* screening methodologies employing erythroviral-specific antibodies.

8. Group VIII, claims 36 and 37, drawn to a diagnostic kit comprising various reagents.

Applicants respectfully traverse the restriction requirement. The Office asserts the inventions listed as Groups I-VIII do not relate to a single inventive concept under PCT Rule 13.1 because under PCT Rule 13.1, the groups lack the same or corresponding special technical features. The Office also asserts that a special technical feature is lacking within each of the identified groups and requires an election of a single product or single nucleotide sequence for examination.

Group I has been elected for examination with traverse. It is believed that all sequences as set forth in claim 1 are properly examined as a whole for the following reasons. SEQ ID NO: 1 is directed to a mostly full length (about 95%) genomic clone of erythrovirus V9. Other nucleotide sequences are fragments of the nucleotide sequence having SEQ ID NO: 1 and are directed to various V9 antigens, such as for example, the 7.5 kDa protein, the VPiu protein, or are directed to primers for the amplification of sequences derived from an Erythrovirus type V9, for example. While each of the identified nucleic acid sequences has a different structure, the identified nucleic acid sequences are believed to be part of the sequence of SEQ ID NO: 1 which is the full length genomic clone of Erythrovirus V9. Thus, a search of the Erythrovirus V9 sequence (SEQ ID NO: 1) would encompass the other nucleotide sequences represented by the additional SEQ ID NOs. In view of the fact that a search of SEQ ID NO: 1 would also overlap with a search of

the other nucleotide sequences, all the nucleotide sequences have the same special technical feature. Since a search of SEQ ID NO: 1 would also cover a search of the other nucleotide sequences, no undue burden on the Examiner is apparent.

The Office also asserts that the claimed invention fails to make a contribution over the prior art in view of the document D1 (Journal of Virology 58(3): 921-936 (1986)) cited in the ISA Chapter I Search Report. However, such a judgment is premature without an examination on the merits of the claims.

In addition, Group II (claims 7-9, directed to a variant erythrovirus or plasmid encoding the variant), Group III (claims 11-14, 16 and 24-27, directed to diagnostic methods employing various nucleotide sequences) and Group VIII (claims 36 and 37) are linked to Group I by the special technical feature of Group I. Therefore, since Groups II, III and VIII share the common technical feature of the nucleotide sequence of Group I, the additional groups should be examined along with the entirety of Group I.

It is respectfully requested that the sequences set forth in Group I be examined as a whole and that the claims of Groups II, II and VII be joined to, and examined with, the claims Group I. Reconsideration and withdrawal of the requirement for election of a single product of Group I is respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of times fees, or credit any overpayment to Deposit Account 50-0310.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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